



U.S. Department
of Transportation
Federal Transit
Administration

REGION I
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Massachusetts,
New Hampshire,
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NOV 25 1998

Ms. Theresa S. Samson
Vice-President & General Manager
Hudson Bus Lines
280 Bartlett Street
Lewiston, ME 04240

Dear Ms. Samson:

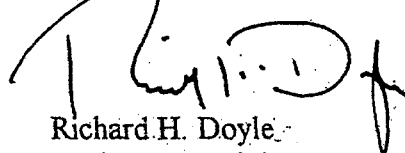
This letter responds to your August 31, 1998, complaint addressed to Gordon J. Linton, Administrator of the Federal Transit Administration (FTA), regarding a private non-profit operator working under contract for the Maine Department of Transportation (MDOT). Specifically, you complain that Western Maine Transportation Services, Inc., a/k/a Pine Tree Transit (Pine Tree), took over fixed-route service in the Lewiston-Auburn area previously operated by Hudson Bus Lines (Hudson). Furthermore, you infer that Pine Tree intends to perform charter service in violation of FTA's charter regulation, 49 CFR Part 604.

In its October 19, 1998, answer to the complaint, MDOT explained that both the Lewiston-Auburn Transit Committee (LATC) and MDOT reviewed the bidding process used in procuring the fixed-route service in question and determined that it was in total compliance with FTA's third party contracting criteria. As noted in our previous correspondence to you dated October 8 and November 5, 1998, FTA's new private sector policy allows local officials greater flexibility in making local transportation decisions and eliminates the private sector appeal process. Please be assured, however, that FTA will continue to monitor MDOT's procurement practices through the transportation planning process, annual audits and triennial reviews.

With regard to the charter service allegation, we note that Pine Tree sent you a letter on October 5, 1998 (copy enclosed), stating that it has determined there is at least one private operator willing and able to provide charter service in Pine Tree's service area; and therefore, it will only perform charter trips if one or more of the exceptions listed in 49 CFR § 604.9(b) applies. Moreover, MDOT has asserted that it will contact Pine Tree to insure that any charter service provided under an exception must be incidental as required by 49 CFR § 604.9(e). By copy of our letter of October 8, 1998, Hudson was provided thirty days from receipt of MDOT's answer to submit a rebuttal to the FTA. To date, we have not received your response. Accordingly, the FTA finds that this issue has been resolved.

In accordance with 49 CFR § 604.19, you may appeal this charter service decision within ten days of receipt to Gordon J. Linton, Administrator, Federal Transit Administration, 400 Seventh Street, S.W., Room 9328, Washington, DC 20590.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Doyle", written over the printed name.

Richard H. Doyle
Regional Administrator

Enclosure: 49 CFR Part 604
Pine Tree ltr to Hudson dtd 10/5/98

Cc: Pamela S. Pottle, Manager
MDOT Transportation Programs Unit

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